



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/244,530	08/02/94	Colpan	

EXAMINER	
L. E. Crane	
ART UNIT	PAPER NUMBER
1211	15

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Mr. William E. Player (3) _____
(2) Examiner L. E. Crane (4) _____

Date of interview ~~08/11/96~~ 07/11/96

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description: _____

Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.

Claims discussed: 40-61

Identification of prior art discussed: art reference^s of record cited ~~n~~ in 103 rejections

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attachment.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

☐ Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

Examiner's Signature

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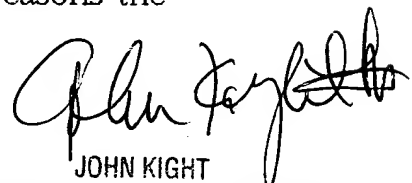
Description of the general nature of what was agreed to if an agreement, or any other comments (cont.): Applicant was advised that the instant claimed process defined in claims 40-59 was reviewed in light of the arguments of the request for reconsideration filed June 5, 1996. Applicant is requested to note that the Little reference at col. 1, lines 11-35, describes clearly the reasons why the three desalting methods mentioned in Henco are less desirable than the use of chromatographic separations which rely on silica containing adsorbants as disclosed and claimed in Little. Hence, applicant's arguments suggesting that there is an absence of motivation to combine the Little and Henco reference are respectfully disagreed with, and applicant is informed that this is the reason for maintenance of the rejection of record.

Applicant's arguments concerning the rejection of claim 60 (incorrectly presented as a rejection of cancelled claim 35) are also noted and are not found convincing. Applicant argues that the lysis mixture generated by the instant claimed process is a 'sticky mess' which tends to be difficult to filter, a problem solved by applicant's use of "stacked" filter membranes. Applicant argues that neither Hagen '381 nor Sternberg '142 teach the use of stacked membranes for filtering " 'digested' cells." Examiner respectfully disagrees. Applicant is referred to Sternberg at col. 1, lines 14-41 wherein at line 17 the term "harvesting biological materials" is found. In Hagen et al. at col. 10, lines 60-61, in a portion of an experimental procedure description, the term "[p]roteins (horse) were separated in a ..." may be found as well. Therefore, applicant's argument that one of ordinary skill would not have found the appropriate motivation in these references is simply uninformed. For these reasons the

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rejection of claim **60** has been maintained.

And lastly applicant's arguments concerning the rejection of claim **61** are also noted and are not found convincing. Applicant argues that examiner has failed to properly understand the instant invention specifically in its reliance upon the " 'digested' step" which applicant notes relies on "proteinases, detergents, or other aggressive chemicals." Applicant is requested to note the Henco patent at cols. 5-6 wherein " mild enzymatic proteolysis " (col. 5, line 55+) and " sodium dodecylsulfate (SDS) or Sarcosyl™ " (col. 6, line 1+) are disclosed and discussed at length with reference made to the well known manual entitled Molecular Cloning by Maniatis et al. Alleging the clogging of filter materials as a technical problem, applicant also argues that the instant cited Henco reference relies on centrifugation as a primary means of separation which must be used prior to filtration. Applicant is partially misinformed. Applicant is referred to col. 4 of Henco at lines 38-61, particularly lines 47-48 wherein Henco states " ... requires no long time centrifugation steps, and more specifically no ultracentrifugation." Applicant is also requested to note that the Henco claims do not specify centrifugation in any claim, although applicant is correct if the example at column 6, line 51+ is being referred to. Applicant argues that "at first a centrifugation step has to be performed" citing example 2 of Henco, but applicant's own claim does not exclude this possibility explicitly and relies on the term "comprising", presumably to insure that other methods of separation (including centrifugation) are not excluded as a preliminary or subsequent process step. For these reasons the instant rejection of claim **61** has been maintained.



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